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TO THE	HOUSE	OF REPRI	FCENTA	TIVES
1 () 1 1 1 1 1		OT NEEDS		1 I V I '43.

- The Committee on General, Housing, and Military Affairs to which was referred Senate Bill No. 237 entitled "An act relating to promoting affordable housing" respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:
- 7 * * * Municipal Zoning * * *
- 8 Sec. 1. 24 V.S.A. § 4412 is amended to read:
- 9 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS
- Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:
 - (1) Equal treatment of housing and required provisions for affordable housing.

14 ***

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied a single-family dwelling on an owner-occupied lot. A bylaw may require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit.

1	An accessory dwelling unit means an efficiency or one-bedroom apartment a
2	distinct unit that is clearly subordinate to a single-family dwelling, and has
3	facilities and provisions for independent living, including sleeping, food
4	preparation, and sanitation, provided there is compliance with all the
5	following:
6	(i) The property has sufficient wastewater capacity.
7	(ii) The unit does not exceed 30 percent of the total habitable floor
8	area of the single-family dwelling or 900 square feet, whichever is greater.
9	(iii) Applicable setback, coverage, and parking requirements
10	specified in the bylaws are met.
11	(F) Nothing in subdivision (a)(1)(E) of this section shall be construed
12	to prohibit:
13	(i) a bylaw that is less restrictive of accessory dwelling units; or
14	(ii) a bylaw that requires conditional use review for one or more of
15	the following that is involved in creation of an accessory dwelling unit:
16	(I) a new accessory structure;
17	(II) an increase in the height or floor area of the existing
18	dwelling; or
19	(III) an increase in the dimensions of the parking areas
20	regulates short-term rental units distinctly from residential rental units.
21	* * *

1	(2) Existing small lots. Any lot that is legally subdivided, is in
2	individual and separate and nonaffiliated ownership from surrounding
3	properties, and is in existence on the date of enactment of any bylaw, including
4	an interim bylaw, may be developed for the purposes permitted in the district
5	in which it is located, even though the small lot no longer conforms to
6	minimum lot size requirements of the new bylaw or interim bylaw.
7	(A) A municipality may prohibit development of a lot <u>not served by</u>
8	and able to connect to municipal sewer and water service if either of the
9	following applies:
10	(i) the lot is less than one-eighth acre in area; or
11	(ii) the lot has a width or depth dimension of less than 40 feet.
12	* * *
13	Sec. 2. 24 V.S.A. § 4414 is amended to read:
14	§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS
15	* * *
16	(3) Conditional uses.
17	(A) In any district, certain uses may be allowed only by approval of
18	the appropriate municipal panel, if general and specific standards to which
19	each allowed use must conform are prescribed in the appropriate bylaws and if
20	the appropriate municipal panel, under the procedures in subchapter 10 of this
21	chapter, determines that the proposed use will conform to those standards.

1	These general standards shall require that the proposed conditional use shall
2	not result in an undue adverse effect on any of the following:
3	(i) The capacity of existing or planned community facilities.
4	(ii) The character of the area affected, as defined by the purpose or
5	purposes of the zoning district within which the project is located, and
6	specifically stated policies and standards of the municipal plan.
7	(iii) Traffic on roads and highways in the vicinity.
8	(iv) Bylaws and ordinances then in effect.
9	(v) Utilization of renewable energy resources.
10	* * *
11	(E) A multiunit dwelling project consisting of four or fewer units
12	located in a district allowing multiunit dwellings may not be denied solely due
13	to an undue adverse effect on the character of the area affected.
14	* * *
15	Sec. 3. 24 V.S.A. § 2291 is amended to read:
16	§ 2291. ENUMERATION OF POWERS
17	For the purpose of promoting the public health, safety, welfare, and
18	convenience, a town, city, or incorporated village shall have the following
19	powers:
20	* * *

1	(29) To regulate by means of an ordinance or bylaw the operation of
2	short-term rentals within the municipality, provided that the ordinance or
3	bylaw does not adversely impact the availability of long-term rental housing.
4	As used in this subdivision, "short-term rental" means a furnished house,
5	condominium, or other dwelling room or self-contained dwelling unit rented to
6	the transient, traveling, or vacationing public for a period of fewer than 30
7	consecutive days and for more than 14 days per calendar year.
8	Sec. 4. 27 V.S.A. § 545 is added to read:
9	§ 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF
10	SUBSTANTIAL PUBLIC INTEREST
11	Deed restrictions, covenants, or similar binding agreements added after
12	January 1, 2021 that prohibit or have the effect of prohibiting land
13	development allowed under a municipality's bylaws shall not be valid. This
14	section shall not affect the enforceability of any property interest held in whole
15	or in part by a qualified organization or State agency as defined in 10 V.S.A.
16	§ 6301a, including any restrictive easements, such as conservation easements
17	and historic preservation rights and interests defined in 10 V.S.A. § 822. This
18	section shall not affect the enforceability of any property interest that is
19	restricted by a housing subsidy covenant as defined by section 610 of this title
20	and held in whole or in part by an eligible applicant as defined in 10 V.S.A.
21	§ 303(4) or the Vermont Housing Finance Agency.

1	* * * Mobile Home Parks * * *
2	Sec. 5. MOBILE HOME PARK INFRASTRUCTURE
3	(a) The Department of Environmental Conservation shall:
4	(1) assist the Town of Brattleboro and the Tri-Park Cooperative in the
5	implementation of the Tri-Park Master Plan and Deerfield River & Lower
6	Connecticut River Tactical Basin Plan, including through restructuring or
7	forgiveness of State Revolving Loans RF1-104 and RF3-163 and additional
8	loans to the extent possible, to allow for improvements to drinking water,
9	wastewater, and stormwater infrastructure needs;
10	(2) provide similar assistance to the extent possible to similarly situated
11	mobile home parks that also have infrastructure needs; and
12	(3) identify statutory and programmatic changes necessary to assist in
13	the implementation of the plans and to improve access and terms by mobile
14	home parks to the Clean Water Revolving Loan Fund, Water Infrastructure
15	Sponsorship Program and the Drinking Water State Revolving Fund.
16	(b) On or before January 15, 2021, the Department shall report on actions
17	taken and recommendations for statutory or programmatic changes to the
18	Senate Committees on Economic Development, Housing and General Affairs
19	and on Institutions and to the House Committees on General, Housing, and
20	Military Affairs, on Natural Resources, Fish, and Wildlife, and on Corrections
21	and Institutions.

1	Sec. 6. 10 V.S.A. § 10 is amended to read:
2	§ 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL
3	INVESTMENTS
4	(a) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,
5	the Vermont State Treasurer shall have the authority to establish a credit
6	facility of up to 10 percent of the State's average cash balance on terms
7	acceptable to the Treasurer and consistent with prudent investment principles
8	and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent
9	Investor Act, 14A V.S.A. chapter 9.
10	(b) The amount authorized in subsection (a) of this section shall include all
11	credit facilities authorized by the General Assembly and established by the
12	Treasurer, and the renewal or replacement of those credit facilities. The
13	Treasurer may use amounts available under this section to provide financing
14	for infrastructure projects in Vermont mobile home parks and may modify the
15	terms of such financing in his or her discretion as is necessary to promote the
16	availability of mobile home park housing and to protect the interests of the
17	State.
18	* * * Effective Date * * *
19	Sec. 7. EFFECTIVE DATE
20	This act shall take effect on passage.
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4	(Committee vote:)		
5			
6		Representative	

(Draft No. 4.1 – S.237) 9/15/2020 - EMC - 3:12 PM

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FOR THE COMMITTEE