

1 **\*\*\* Disclaimer \*\*\*** *This is a working draft of an omnibus housing bill that*  
2 *includes concepts and proposals from multiple sources. Each version of the*  
3 *draft will most likely change significantly, and may add new proposals, as well*  
4 *as modify or eliminate currently-included proposals \*\*\**

5  
6 Yellow highlight reflects change to the previous version of the draft.

7 Pink highlight reflects a section that is unresolved.

8 Blue highlight reflects a section that is resolved.

9  
10 TO THE HONORABLE SENATE:

11 The Committee on Economic Development, Housing and General Affairs to  
12 which was referred Senate Bill No. 226 entitled “An act relating to expanding  
13 access to safe and affordable housing” respectfully reports that it has  
14 considered the same and recommends that the bill be amended by striking out  
15 all after the enacting clause and inserting in lieu thereof the following:

16 ~~\*\*\* Municipal and Regional Land Banks \*\*\*~~

17 **Sec. 1.** ~~24 V.S.A. chapter 139 is added to read:~~

18 \* \* \* Housing; Permit Reform \* \* \*

19 **Sec. 2.** FINDINGS

20 The General Assembly finds that:

21 (1) Prosperous, sustainable, inclusive communities are critical to  
22 Vermont’s economic health and the well-being of its residents.

23 (2) Housing affordability and availability challenges require elected  
24 officials, community leaders, and developers making community investments  
25 to consider all options to increase the supply of housing.





1 (c) Application for designation of a neighborhood development area. The  
2 State Board shall approve a neighborhood development area if the application  
3 demonstrates and includes all of the following elements:

4 \* \* \*

5 (5) The proposed neighborhood development area consists of those  
6 portions of the neighborhood planning area that are appropriate for new and  
7 infill housing, excluding identified flood hazard and fluvial erosion areas,  
8 except those areas containing preexisting development in areas suitable for  
9 infill development as defined in § 29-201 of the Vermont Flood Hazard Area  
10 and River Corridor Rule. In determining what areas are most suitable for new  
11 and infill housing, the municipality shall balance local goals for future land  
12 use, the availability of land for housing within the neighborhood planning area,  
13 and the smart growth principles. Based on those considerations, the  
14 municipality shall select an area for neighborhood development area  
15 designation that:

16 (A) Avoids or ~~that~~ minimizes to the extent feasible the inclusion of  
17 “important natural resources” as defined in subdivision 2791(14) of this title.  
18 If an “important natural resource”<sup>2</sup> is included within a proposed neighborhood  
19 development area, the applicant shall identify the resource, explain why the  
20 resource was included, describe any anticipated disturbance to such resource,  
21 and describe why the disturbance cannot be avoided or minimized. If the

1 neighborhood development area includes flood hazard areas or river corridors,  
2 the local bylaws shall contain provisions consistent with the Agency of Natural  
3 Resources’ rules required under 10 V.S.A. § 754(a) to ensure that new infill  
4 development within a neighborhood development area occurs outside the flood  
5 hazard area and will not cause or contribute to fluvial erosion hazards within  
6 the river corridor. If the neighborhood development area includes flood hazard  
7 areas or river corridors, local bylaws shall also contain provisions to protect  
8 river corridors outside the neighborhood development area consistent with the  
9 Agency of Natural Resources’ rules required under 10 V.S.A. § 754(a).

10 \* \* \*

11 ~~(6) The neighborhood development area is served by:~~

12 ~~(A) municipal sewer infrastructure; or~~

13 ~~(B) a community or alternative wastewater system approved by the~~

14 ~~Agency of Natural Resources. [Repealed.]~~

15 (7) The municipal bylaws allow minimum net residential densities  
16 within the neighborhood development area greater than or equal to four ~~single-~~  
17 ~~family detached~~ dwelling units per acre for all identified residential uses or  
18 residential building types, exclusive of accessory dwelling units, or ~~no~~ not  
19 fewer than the average existing density of the surrounding neighborhood,  
20 whichever is greater. The methodology for calculating density shall be

1 established in the guidelines developed by the Department pursuant to  
2 subsection 2792(d) of this title.

3 \* \* \*

4 **Sec. 2b.** 24 V.S.A. § 2793b is amended to read:

5 § 2793b. DESIGNATION OF NEW TOWN CENTER DEVELOPMENT

6 DISTRICTS

7 \* \* \*

8 (b) Within 45 days of receipt of a completed application, the State Board  
9 shall designate a new town center development district if the State Board finds,  
10 with respect to that district, the municipality has:

11 \* \* \*

12 (2) Provided a community investment agreement that has been executed  
13 by authorized representatives of the municipal government, businesses and  
14 property owners within the district, and community groups with an articulated  
15 purpose of supporting downtown interests, and contains the following:

16 \* \* \*

17 (B) Regulations enabling ~~high~~ densities that are ~~greater~~ not less than  
18 four dwelling units, including all identified residential uses or residential  
19 building types, per acre and not less than those allowed in any other part of the  
20 municipality not within an area designated under this chapter.

21 \* \* \*

1 **Sec. 2c.** 24 V.S.A. § 4449 is amended to read:

2 § 4449. ZONING PERMIT, CERTIFICATE OF OCCUPANCY, AND  
3 MUNICIPAL LAND USE PERMIT

4 (a) Within any municipality in which any bylaws have been adopted:

5 \* \* \*

6 (4) No municipal land use permit issued by an appropriate municipal  
7 panel or administrative officer, as applicable, for a site plan or conditional use  
8 shall be considered abandoned or expired unless more than two years has  
9 passed since the permit approval was issued.

10 \* \* \*

11 **Sec. 2d.** 10 V.S.A. § 6001 is amended to read:

12 § 6001. DEFINITIONS

13 As used in this chapter:

14 \* \* \*

15 (3)(A) “Development” means each of the following:

16 \* \* \*

17 (iv) The construction of housing projects such as cooperatives,  
18 condominiums, or dwellings, or construction or maintenance of mobile homes  
19 or mobile home parks, with 10 or more units, constructed or maintained on a  
20 tract or tracts of land, owned or controlled by a person, within a radius of five

1 miles of any point on any involved land and within any continuous period of  
2 five years. However:

3 (I) A priority housing project shall constitute a development  
4 under this subdivision (iv) only if the number of housing units in the project is:

5 (aa) [Repealed.]

6 (bb) [Repealed.]

7 (cc) 75 or more, in a municipality with a population of 6,000  
8 or more but less than 10,000.

9 (dd) 50 or more, in a municipality with a population of  
10 ~~3,000 or more but~~ less than 6,000.

11 (ee) ~~25 or more, in a municipality with a population of less~~  
12 ~~than 3,000.~~ [Repealed.]

13 (ff) Notwithstanding subdivisions (cc) through (ee) of this  
14 subdivision (3)(A)(iv)(I), 10 or more if the construction involves the  
15 demolition of one or more buildings that are listed on or eligible to be listed on  
16 the State or National Register of Historic Places. However, demolition shall  
17 not be considered to create jurisdiction under this subdivision (ff) if the  
18 Division for Historic Preservation has determined that the proposed demolition  
19 will have no adverse effect, will have no adverse effect if specified conditions  
20 are met, or will have an adverse effect that will be adequately mitigated. Any

1 imposed conditions shall be enforceable through a grant condition, deed  
2 covenant, or other legally binding document.

3 \* \* \*

4 (27) “Mixed income housing” means a housing project in which the  
5 following apply:

6 (A) Owner-occupied housing. ~~At the option of the applicant, owner-~~  
7 ~~occupied housing may be characterized by either of the following:~~

8 ~~(i) at least 15 percent of the housing units have a purchase price~~  
9 ~~that at the time of first sale does not exceed 85 percent of the new construction,~~  
10 ~~targeted area purchase price limits established and published annually by the~~  
11 ~~Vermont Housing Finance Agency; or~~

12 ~~(ii) at least 20 percent of the housing units have a purchase price~~  
13 ~~that at the time of first sale does not exceed 90 percent of the new construction,~~  
14 ~~targeted area purchase price limits established and published annually by the~~  
15 ~~Vermont Housing Finance Agency~~ meet the requirements of affordable owner-  
16 occupied housing under subdivision (29)(A) of this section, adjusted for the  
17 number of bedrooms, as established and published annually by the Vermont  
18 Housing Finance Agency.

19 (B) Rental housing. ~~At least 20 percent of the housing units that are~~  
20 ~~rented constitute affordable housing and have a duration of affordability of~~ For  
21 not less than 15 years following the date that rental housing is initially placed

1 in service, at least 20 percent of the housing units meet the requirements of  
2 affordable rental housing under subdivision (29)(B) of this section, adjusted for  
3 the number of bedrooms, as established and published annually by the  
4 Vermont Housing Finance Agency.

5 \* \* \*

6 (35) “Priority housing project” means a discrete project located on a  
7 single tract or multiple contiguous tracts of land that consists exclusively of:

8 ~~(A) mixed income housing or mixed use, or any combination thereof,~~  
9 and is located entirely within a designated downtown development district,  
10 designated new town center, designated growth center, or designated ~~village~~  
11 ~~center that is also a designated~~ neighborhood development area under  
12 24 V.S.A. chapter 76A; ~~or~~

13 ~~(B) mixed income housing and is located entirely within a designated~~  
14 ~~Vermont neighborhood or designated neighborhood development area under~~  
15 ~~24 V.S.A. chapter 76A.~~

16 \* \* \*

17 **Sec. 2e.** 10 V.S.A. § 6081(p) is amended to read:

18 ~~(p)(1) No permit or permit amendment is required for any change to a~~  
19 ~~project that is located entirely within a downtown development district~~  
20 ~~designated pursuant to 24 V.S.A. § 2793, if the change consists exclusively of~~  
21 ~~any combination of mixed use and mixed income housing, and the cumulative~~

1 ~~changes within any continuous period of five years, commencing on or after~~  
2 ~~May 28, 2002, remain below any applicable jurisdictional threshold specified~~  
3 ~~in subdivision 6001(3)(A)(iv)(I) of this title.~~

4 (2) No permit or permit amendment is required for a priority housing  
5 project in a designated center ~~other than a downtown development district if~~  
6 ~~the project remains below any applicable jurisdictional threshold specified in~~  
7 ~~subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions~~  
8 ~~of any existing permit or permit amendment issued under this chapter that~~  
9 ~~applies to the tract or tracts on which the project will be located. If such a~~  
10 ~~priority housing project will not comply with one or more of these conditions,~~  
11 ~~an application may be filed pursuant to section 6084 of this title.~~

12 \* \* \* Housing Incentives; Smart Growth \* \* \*

13 **Sec. 3. COVID-19 FUNDING; HOUSING; SMART GROWTH**

14 **PRINCIPLES**

15 **\* \* \* Homeless Bill of Rights \* \* \***

16 **Sec. 4. FINDINGS**

17 **Sec. 4a. 1 V.S.A. § 274 is added to read:**

18  
19 **Sec. 4b. 9 V.S.A. § 4501 is amended to read:**

20 **Sec. 4c. 9 V.S.A. § 4502 is amended to read:**

21 **Sec. 4d. 9 V.S.A. § 4503 is amended to read:**

1 ~~Sec. 4e. 10 V.S.A. § 601 is amended to read:~~

2 ~~Sec. 4f. 21 V.S.A. § 495 is amended to read:~~

3 ~~Sec. 4g. 21 V.S.A. § 495d is amended to read:~~

4 \* \* \* First-Generation Homebuyer Incentives \* \* \*

5 **Sec. 5. FIRST-GENERATION HOMEBUYER INCENTIVE PROGRAM;**

6 **APPROPRIATION**

7 Of the amounts available from federal COVID-19 relief funds, the amount  
8 of \$5,000,000.00 is appropriated to the Department of Housing and  
9 Community Development, which shall work in coordination with the Vermont  
10 Housing Finance Agency and relevant stakeholders to design and implement a  
11 program to provide grants of not more than \$10,000.00 for purchase and  
12 closing costs to first-generation homebuyers.

13 \* \* \* Manufactured Home Relocation Incentives \* \* \*

14 **Sec. 6. MANUFACTURED HOME RELOCATION INCENTIVE**

15 **PROGRAM; APPROPRIATION**

16 Of the amounts available from federal COVID-19 relief funds, the amount  
17 of \$5,000,000.00 is appropriated to the Department of Housing and  
18 Community Development, which shall work in coordination with the Vermont  
19 Housing and Conservation Board and relevant stakeholders to design and  
20 implement a program to provide funding for the following purposes:

1           ~~(1) to create a competitive pool of grant funding to assist with the cost~~  
2           ~~of removing abandoned homes, building concrete pads to new HUD standards,~~  
3           ~~and addressing smaller scale capital needs for those parks where limited~~  
4           ~~operating revenue cannot reasonably cover those costs;~~

5           ~~(2) to create a competitive pool of grant funding available for~~  
6           ~~rehabilitating some of the roughly 300 to 400 poor quality homes located~~  
7           ~~within the overall State portfolio, of which more than 100 may be at risk of~~  
8           ~~abandonment, and the remainder of which still represent substandard housing~~  
9           ~~for residents and increase the marketing challenges for these parks as a whole;~~

10           ~~(3) to continue to provide leadership in advocating for financing~~  
11           ~~programs to assist buyers to finance and upgrade units such as Champlain~~  
12           ~~Housing Trust's down payment assistance program;~~

13           ~~(4) to work with the Agency of Commerce and Community~~  
14           ~~Development, the affordable park owners, and other stakeholders to reframe~~  
15           ~~the image of mobile homes as an affordable option in a more innovative and~~  
16           ~~positive light, especially for younger buyers;~~

17           ~~(5) to provide mobile home repair grants for common needed home~~  
18           ~~repairs in Vermont, which range from \$100.00 to \$14,000.00, with an~~  
19           ~~estimated average repair value required for sustainable resident health at~~  
20           ~~\$7,000.00;~~

21           ~~(6) to address existing program gaps, including;~~

1 ~~(A) bringing existing homes into ADA compliance by modifying~~  
2 ~~entryways and bathrooms;~~

3 ~~(B) providing funding to augment the Vermont Center for~~  
4 ~~Independent Living Home Accessibility Program, which currently requires a~~  
5 ~~resident match, for Vermonters with low income; and~~

6 ~~(C) creating opportunity for residents to electively move their~~  
7 ~~structurally stable homes out of floodplains and potentially hazardous locations~~  
8 ~~exacerbated by climate change and erosion, for which roughly 356 vacant lots~~  
9 ~~across the State could be assessed as safe and used for relocation;~~

10 ~~(7) to provide funds to supplement Flood Resilient Community Funds,~~  
11 ~~which provides grant for home buyouts in flood plains, not for support and~~  
12 ~~relocation services, including costs associated with slab pouring and other~~  
13 ~~infrastructure setup for a new lot that is not directly tied to water infrastructure;~~

14 ~~(8) to provide funding for down payment assistance and the purchase of~~  
15 ~~new or used high energy efficient mobile homes to replace aging and~~  
16 ~~dilapidated mobile homes; and~~

17 ~~(9) to improve the public image and well-being of parks by providing~~  
18 ~~financial assistance to parks for:~~

19 ~~(A) placement of slabs and skirts;~~

20 ~~(B) removal of derelict and abandoned homes, hazardous waste, and~~  
21 ~~pests;~~

1           ~~(C) beautification of parks through gardening support and tree and~~  
2           ~~orchard plantings;~~

3           ~~(D) creation of public space for families and children; and~~

4           ~~(E) repair and maintenance of roads.~~

5           Sec. 6. MANUFACTURED HOME IMPROVEMENT AND  
6           REPLACEMENT PROGRAM

7           Of the amounts available from federal COVID-19 relief funds, the  
8           following amounts are appropriated to the Department of Housing and  
9           Community Development for the purposes specified:

10           (1) \$3,000,000.00 for manufacture home community small scale capital  
11           grants, through which the Department may award not more than \$20,000.00  
12           for owners of manufactured housing communities to complete small-scale  
13           capital needs to help infill vacant lots with homes, which may include projects  
14           such as disposal of abandoned homes, lot grading/preparation, site electrical  
15           box issues/upgrades, E911 safety issues, legal fees, transporting homes out of  
16           flood zones, individual septic system, and marketing to help make it easier for  
17           home-seekers to find vacant lots around the State.

18           (2) \$1,000,000 for manufactured home repair grants, through which the  
19           Department may award funding for minor rehab or accessibility projects,  
20           coordinated as possible with existing programs, for between 250 and 400  
21           existing homes where the home is otherwise in good condition or in situations

1 where the owner is unable to replace the home and the repair will keep them  
2 housed.

3 (3) \$1,000,000 for new manufactured home foundation grants, through  
4 which the Department may award not more than \$15,000 per grant for a  
5 homeowner to pay for a foundation or HUD-approved slab, site preparation,  
6 skirting, tie-downs, and utility connections on vacant lots within manufactured  
7 home communities.

8 **Sec. 6a.** 32 V.S.A. § 5930u(g) is amended to read:

9 (g)(1) In any fiscal year, the allocating agency may award up to:

10 (A) \$400,000.00 in total first-year credit allocations to all applicants  
11 for rental housing projects, for an aggregate limit of \$2,000,000.00 over any  
12 given five-year period that credits are available under this subdivision (A);

13 (B) ~~\$425,000.00~~ \$675,000.00 in total first-year credit allocations for  
14 loans or grants for owner-occupied unit financing or down payment loans as  
15 provided in subdivision (b)(2) of this section consistent with the allocation  
16 plan, including for new construction and manufactured housing, for an  
17 aggregate limit of ~~\$2,125,000.00~~ \$3,375,000.00 over any given five-year  
18 period that credits are available under this subdivision (B). Of the total first-  
19 year credit allocations made under this subdivision (B), \$250,000.00 shall be  
20 used each fiscal year for manufactured home purchase and replacement.

1 (2) If the full amount of first-year credits authorized by an award are not  
2 allocated to a taxpayer, the Agency may reclaim the amount not allocated and  
3 re-award such allocations to other applicants, and such re-awards shall not be  
4 subject to the limits set forth in subdivision (1) of this subsection.

5 \* \* \* Large Employer Housing Partnership \* \* \*

6 **Sec. 7.** LARGE EMPLOYER HOUSING PARTNERSHIP PROGRAM;

7 APPROPRIATION

8 Of the amounts available from federal COVID-19 relief funds, the amount  
9 of \$5,000,000.00 is appropriated to the Department of Housing and  
10 Community Development to design and implement a program to provide  
11 matching funds of not more than \$5,000.00 per employee for the costs an  
12 employer with 25 or more employees incurs to provide housing for its  
13 workforce.

14 \* \* \* Conversion of Commercial Properties to Residential Use \* \* \*

15 **Sec. 8.** COMMERCIAL PROPERTY CONVERSION INCENTIVE

16 PROGRAM; APPROPRIATION

17 Of the amounts available from federal COVID-19 relief funds, the amount  
18 of \$5,000,000.00 is appropriated to the Department of Housing and  
19 Community Development, which shall work in coordination with the regional  
20 development corporations, regional planning commissions, chambers of  
21 commerce, and other relevant stakeholders to design and implement a program

1 to identify commercial properties that may be efficiently converted to  
2 residential use and to provide grants of not more than \$50,000.00 per project  
3 for the purchase, rehabilitation, and conversion of such properties.

4 ~~\*\*\* New American Housing Support Services \*\*\*~~

5 ~~Sec. 9. NEW AMERICAN HOUSING SUPPORT SERVICES;~~

6 ~~APPROPRIATION~~

7 \*\*\* TIF Extension \*\*\*

8 ~~Sec. 10. TAX INCREMENT FINANCING DISTRICTS; RETENTION OF~~  
9 ~~INCREMENT; DEBT INCURRENCE; EXTENSIONS~~

10 (a) Notwithstanding any other provision of law, each municipality with an  
11 active tax increment financing district that has received approval from the  
12 Vermont Economic Progress Council shall be granted a three-year extension to  
13 their district's period to retain municipal and education property tax increment.

14 (b) Notwithstanding any other provision of law, the following  
15 municipalities shall be granted a three-year extension to their district's period  
16 to incur debt:

17 (1) the City of Burlington, Downtown;

18 (2) the City of Burlington, Waterfront;

19 (3) the Town of Bennington;

20 (4) the City of Montpelier;

21 (5) the City of Winooski;

1           (6) the Town of Hartford;

2           (7) the City of St. Albans;

3           (8) the City of Barre; and

4           (9) the City of South Burlington.

5                           ~~\*\*\* First Time Homebuyer Savings Account \*\*\*~~

6           ~~Sec. 11. FINDINGS AND INTENT~~

7           ~~Sec. 11a. DEFINITIONS~~

8           ~~Sec. 11b. CREATION~~

9           ~~Sec. 11c. FEDERAL INCOME TAX~~

10           ~~Sec. 11d. ELIGIBILITY AND LIMITS~~

11           ~~Sec. 11e. WITHDRAWALS~~

12           ~~Sec. 11f. DEPARTMENT OF TAXES RESPONSIBILITIES~~

13           ~~Sec. 11g. DEPARTMENT OF TAXES AUTHORITY~~

14           ~~Sec. 11h. IMPLEMENTATION~~

15                           ~~\*\*\* Public Housing Authority Statutes \*\*\*~~

16           ~~Sec. 12.~~

17   ~~\*\*\* Municipal Bylaw Grants \*\*\*~~

18           ~~Sec. 13.~~ 24 V.S.A. § 4306 is amended to read:

19           § 4306. MUNICIPAL AND REGIONAL PLANNING FUND



1           (4) The Fund shall be available to the Department of Housing and  
2           Community Development for the reasonable and necessary costs of  
3           administering the Fund, not to exceed ten percent of total program funds.

4           (d) New funds allocated to municipalities under this section may take the  
5           form of special purpose grants in accordance with section 4307 of this title.

6           Sec. 13a. 24 V.S.A. § 4307 is added to read:

7           §4307. MUNICIPAL BYLAW MODERNIZATION GRANTS

8           (a) There is created Municipal Bylaw Modernization Grants to assist  
9           municipalities in updating their land use and development bylaws. Bylaws  
10           updated under this section shall increase housing choice, affordability, and  
11           opportunity in smart growth areas. The Grants shall be funded by monies  
12           allocated from the municipality allocation of the Municipal and Regional  
13           Planning Funds established in subdivision 4306 (a)(3)(C) of this title and any  
14           other monies appropriated for this purpose.

15           (b) Disbursement to municipalities shall be administered by the  
16           Department of Housing and Community Development through a competitive  
17           process providing the opportunity for all regions and any eligible municipality  
18           to compete regardless of size.

19           (c) Funds may be disbursed by the Department in installments to ensure the  
20           municipal bylaw updates meet the goals of this section.

1       (d) Funding may be used for the cost of regional planning commission staff  
2       or consultant time and any other purpose approved by the Department.

3       (e) A municipality grantee shall use the funds to prepare amendments to  
4       bylaws to increase housing choice, affordability, and opportunity and that  
5       support a neighborhood development pattern that is pedestrian oriented and  
6       consistent with smart growth principles established in section 2791 of this title.  
7       The municipality shall commit to adopting bylaws that increase housing choice  
8       and opportunity in unconstrained water and sewer service areas that are located  
9       outside important natural resource areas and are located outside identified  
10       flood hazard areas and river corridors or are suitable for infill development as  
11       defined in §§ 29–201 of the Vermont Flood Hazard Area and River Corridor  
12       Rule in smart growth areas that reflect the smart growth principles established  
13       in section 2791 of this title and that prioritize projects in designated areas in  
14       accordance with chapter 76A of this title.

15       (f) To receive the grant, the municipality shall:

16           (1) identify municipal water and sewer wastewater disposal  
17       infrastructure, constrained municipal water and sewer service areas, and the  
18       constraints on that infrastructure based on the best available data;

19           (2) allow duplexes within smart growth areas to the same extent that  
20       single-family dwellings are allowed increase allowed housing types and uses,  
21       which may include duplexes to the same extent as single-family homes;

1           (3) ~~require~~ include parking waiver provisions in appropriate smart  
2 growth areas and situations;

3           (4) review and modify street standards that implement the complete  
4 streets principles as described in 19 V.S.A. § 309d and that are oriented to  
5 pedestrians; and

6           (5) ~~adopt dimensional, use, parking, and other standards that allow~~  
7 ~~compact neighborhood form and support walkable lot and unit density, which~~  
8 ~~may be achieved with a standard allowing at least four units per acre with site~~  
9 ~~and building design standards or minimum lot sizes of at least one quarter of~~  
10 ~~an acre~~ reduce non-conformities by making the allowed standards principally  
11 conform to the existing settlement within any area designated under chapter  
12 76A of this title and increase allowed lot/building/dwelling unit density by  
13 adopting dimensional, use, parking, and other standards that allow compact  
14 neighborhood form and support walkable lot and dwelling unit density, which  
15 may be achieved with a standard allowing at least four units per acre or  
16 allowing the receipt of a State or municipal water and wastewater permit to  
17 determine allowable density or by other means established in guidelines issued  
18 by the Department.

19           (6) restrict development of and minimize impact to important natural  
20 resources, including new development in flood hazard areas, undeveloped  
21 floodplains, and river corridor areas, unless lawfully allowed for infill

1 development in §§29-201 of the Vermont Flood Hazard Area and River

2 Corridor Rule:

3 (7) update the municipal plan’s housing element as provided in section  
4 4382(a)(10) of this title related to addressing lower and moderate-income  
5 housing needs and implement that element of the plan including through the  
6 bylaw amendments;

7 (8) comply with State and Federal Fair Housing Act, including the fair  
8 housing provisions of Vermont’s Planning & Development Act; and

9 (9) demonstrate how the bylaws support implementation of the housing  
10 element of its municipal plan as provided in V.S.A. § 4282(a)(10) related to  
11 addressing lower and moderate-income housing needs.

12 (g) On or before September 1, 2022, the Department shall adopt guidelines  
13 to assist municipalities applying for grants under this section.

14 Sec. 13b. 24 V.S.A § 4306(c)(4) is added to read:

15 (4) The Fund shall be available to the Department of Housing and  
16 Community Development for the reasonable and necessary costs of  
17 administering the Fund, not to exceed ten percent of total program funds.

18 Sec. 13c. APPROPRIATION

19 In fiscal year 2023 the amount of \$650,000.00 is appropriated from the  
20 General Fund to the Municipal Planning and Regional Planning Fund to be

1 used for Municipal Bylaw Modernization Grants established in 24 V.S.A.  
2 V.S.A. § 4307.

3 \* \* \* Tax Credits \* \* \*

4 **Sec. 14.** 32 V.S.A. § 5930ee is amended to read:

5 § 5930ee. LIMITATIONS

6 Beginning in fiscal year 2010 and thereafter, the State Board may award tax  
7 credits to all qualified applicants under this subchapter, provided that:

8 (1) the total amount of tax credits awarded annually, together with sales  
9 tax reallocated under section 9819 of this title, does not exceed ~~\$3,000,000.00~~  
10 \$5,000,000.00;

11 \* \* \*

12 **Sec. 14a.** 32 V.S.A. § 5930aa is amended to read:

13 § 5930aa. DEFINITIONS

14 As used in this subchapter:

15 (1) “Qualified applicant” means an owner or lessee of a qualified  
16 building involving a qualified project; but does not include a State or federal  
17 agency or a political subdivision of either; or an instrumentality of the United  
18 States.

19 (2) “Qualified building” means a building built at least 30 years before  
20 the date of application, located within a designated downtown ~~or~~ village  
21 center, or neighborhood development area, which, upon completion of the

1 project supported by the tax credit, will be an income-producing building not  
2 used solely as a single-family residence. Churches and other buildings owned  
3 by religious organization may be qualified buildings, but in no event shall tax  
4 credits be used for religious worship.

5 (3) “Qualified code improvement project” means a project:

6 (A) to install or improve platform lifts suitable for transporting  
7 personal mobility devices, limited use or limited application elevators,  
8 elevators, sprinkler systems, and capital improvements in a qualified building,  
9 and the installations or improvements are required to bring the building into  
10 compliance with the statutory requirements and rules regarding fire prevention,  
11 life safety, and electrical, plumbing, and accessibility codes as determined by  
12 the Department of Public Safety;

13 (B) to abate lead paint conditions or other substances hazardous to  
14 human health or safety in a qualified building; or

15 (C) to redevelop a contaminated property in a designated downtown  
16 ~~or~~ village center, or neighborhood development area under a plan approved by  
17 the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

18 (4) “Qualified expenditures” means construction-related expenses of the  
19 taxpayer directly related to the project for which the tax credit is sought but  
20 excluding any expenses related to a private residence.

1           (5) “Qualified façade improvement project” means the rehabilitation of  
2           the façade of a qualified building that contributes to the integrity of the  
3           designated downtown or designated village center. Façade improvements to  
4           qualified buildings listed, or eligible for listing, in the State or National  
5           Register of Historic Places must be consistent with Secretary of the Interior  
6           Standards, as determined by the Vermont Division for Historic Preservation.

7           (6) “Qualified Flood Mitigation Project” means any combination of  
8           structural and nonstructural changes to a building located within the flood  
9           hazard area as mapped by the Federal Emergency Management Agency that  
10          reduces or eliminates flood damage to the building or its contents. The project  
11          shall comply with the municipality’s adopted flood hazard bylaw, if applicable,  
12          and a certificate of completion shall be submitted by a registered engineer,  
13          architect, qualified contractor, or qualified local official to the State Board.  
14          Improvements to qualified buildings listed, or eligible for listing, in the State  
15          or National Register of Historic Places shall be consistent with Secretary of the  
16          Interior’s Standards for Rehabilitation, as determined by the Vermont Division  
17          for Historic Preservation.

18          (7) “Qualified historic rehabilitation project” means an historic  
19          rehabilitation project that has received federal certification for the  
20          rehabilitation project.









1           (2) “Qualified building” means a building built at least 30 years before  
2           the date of application, located within a neighborhood development area,  
3           which, upon completion of the project supported by the tax credit, will be an  
4           income-producing building not used solely as a single-family residence.  
5           Churches and other buildings owned by religious organization may be  
6           qualified buildings, but in no event shall tax credits be used for religious  
7           worship.

8           (3) “Qualified code improvement project” means a project:

9                   (A) to install or improve platform lifts suitable for transporting  
10                  personal mobility devices, limited use or limited application elevators,  
11                  elevators, sprinkler systems, and capital improvements in a qualified building;  
12                  and the installations or improvements are required to bring the building into  
13                  compliance with the statutory requirements and rules regarding fire prevention,  
14                  life safety, and electrical, plumbing, and accessibility codes as determined by  
15                  the Department of Public Safety;

16                   (B) to abate lead paint conditions or other substances hazardous to  
17                  human health or safety in a qualified building; or

18                   (C) to redevelop a contaminated property in a neighborhood  
19                  development area under a plan approved by the Secretary of Natural Resources  
20                  pursuant to 10 V.S.A. § 6615a.

1           (4) “Qualified expenditures” has the same meaning as in 32 V.S.A.  
2           § 5930aa.

3           (5) “Qualified façade improvement project” means the rehabilitation of  
4           the façade of a qualified building that contributes to the integrity of the  
5           neighborhood development area. Façade improvements to qualified buildings  
6           listed, or eligible for listing, in the State or National Register of Historic Places  
7           must be consistent with Secretary of the Interior Standards, as determined by  
8           the Vermont Division for Historic Preservation.

9           (6) “Qualified historic rehabilitation project” has the same meaning as in  
10          32 V.S.A. § 5930aa.

11          (7) “Qualified project” has the same meaning as in 32 V.S.A. § 5930aa.

12          (c) The tax credits available to qualified applicants under this section shall  
13          be the same tax credits established in 32 V.S.A. § 5930cc.

14          (d) To qualify for any of the tax credits under this section, expenditures for  
15          the qualified project must exceed \$5,000.00.

16          (e) Application shall be made in accordance with the guidelines set by the  
17          State Downtown Development Board.

18          (f) The provisions of 32 V.S.A. § 5930dd shall apply to the tax credits  
19          issued under this section.

1        (g) For fiscal years 2023 and 2024, the State Downtown Development  
2        Board may award tax credits to all qualified applicants under this section,  
3        provided that:

4                (1) the total amount of tax credits awarded annually, together with sales  
5        tax reallocated under 32 V.S.A. § 9819, does not exceed \$1,000,000.00;

6                (2) a total annual allocation of not more than 30 percent of these tax  
7        credits may be awarded in connection with all of the projects in a single  
8        municipality;

9                (3) façade tax credits shall not be available for projects that qualify for  
10       the federal rehabilitation tax credit;

11               (4) no credit shall be allowed under this section for the cost of acquiring  
12       any building or interest in a building;

13               (5) credit under this section may not be allocated more often than once  
14       to the same building; and

15               (6) credit awarded under this section that is rescinded or recaptured by  
16       the State Downtown Development Board shall be available for the State Board  
17       to award to applicants in any subsequent year, in addition to the total amount  
18       of tax credits authorized under this section.

19               (h) Tax credits awarded under this section shall be subject to the recapture  
20       provision of 32 V.S.A. § 5930ff.



1 and over connections to a wastewater treatment facility permitted pursuant to  
2 chapter 47 of this title.

3 (2) The municipality shall only issue authorizations for:

4 (A) a sanitary sewer service line that connects to the sanitary sewer  
5 collection line; and

6 (B) a water service line that connects to the water main.

7 (3) The building or structure authorized under this section connects to  
8 both the sanitary sewer collection line and public community water system.

9 (4) The authorizations from the municipality comply with the technical  
10 standards for sanitary sewer service lines and water service lines in the  
11 Wastewater System and Potable Water Supply Rules.

12 (5) The municipality requires documentation issued by a professional  
13 engineer or licensed designer that is filed in the land records that the  
14 connection authorized by the municipality was installed in accordance with the  
15 technical standards.

16 (6) The municipality requires the retention of plans that show the  
17 location and design of authorized connections.

18 (b) The municipality shall notify the Secretary 30 days in advance of  
19 terminating any authorization. The municipality shall provide all  
20 authorizations and plans to the Secretary as a part of this termination notice.







1 ~~May 28, 2002, remain below any applicable jurisdictional threshold specified~~  
2 ~~in subdivision 6001(3)(A)(iv)(I) of this title.~~

3 (2) No permit or permit amendment is required for a priority housing  
4 project in a designated center ~~other than a downtown development district~~ if  
5 the project remains below any applicable jurisdictional threshold specified in  
6 subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions of  
7 any existing permit or permit amendment issued under this chapter that  
8 applies to the tract or tracts on which the project will be located. If such a  
9 priority housing project will not comply with one or more of these conditions,  
10 an application may be filed pursuant to section 6084 of this title.

11 **Sec. 16c.** 10 V.S.A. § 6086b is amended to read:

12 § 6086b. ~~DOWNTOWN DEVELOPMENT~~ IN

13 DOWNTOWNS AND DEVELOPMENT OF HOUSING IN

14 COUNTIES WITH HIGH DEMAND; FINDINGS

15 (a) Downtown development. Notwithstanding any provision of this chapter  
16 to the contrary, each of the following shall apply to a development or  
17 subdivision that is completely within a downtown development district  
18 designated under 24 V.S.A. chapter 76A and for which a permit or permit  
19 amendment would otherwise be required under this chapter:

20 (1) In lieu of obtaining a permit or permit amendment, a person may  
21 request findings and conclusions from the District Commission, which shall

1 *approve the request if it finds that the development or subdivision will meet*  
2 *subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water*  
3 *available), (3) (burden on existing water supply), (4) (soil erosion), (5)*  
4 *(traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas),*  
5 *(8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary*  
6 *agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy*  
7 *conservation), and (9)(K) (public facilities, services, and lands) of this title.*

8 \* \* \*

9 *(b) Housing development in counties with high demand. During any period*  
10 *in which a county's median gross rent is 10 percent above the median gross*  
11 *rent for the State, the option established under subsection (a) of this section*  
12 *shall be available for a development under subdivision 6001(3)(A)(iv) of this*  
13 *title within that county for which a permit or permit amendment would*  
14 *otherwise be required.*

15 ~~Sec. 16d. 10 V.S.A. § 6081(v) is amended to read:~~

16 *(v) A permit or permit amendment shall not be required for a development*  
17 *or subdivision in a designated downtown development district or for a housing*  
18 *development in a high-demand county for which the District Commission has*  
19 *issued positive findings and conclusions under section 6086b of this title on all*  
20 *the criteria listed in that section. A person shall obtain new or amended*  
21 *findings and conclusions from the District Commission under section 6086b of*

1     *this title prior to commencement of a material change, as defined in the rules*  
2     *of the Board, to a development or subdivision for which the District*  
3     *Commission has issued such findings and conclusions. A person may seek a*  
4     *jurisdictional opinion under section 6007 of this title concerning whether such*  
5     *a change is a material change.*

6                     \* \* \* Sales and Use Tax Exemption \* \* \*

7     ~~Sec. 17. 32 V.S.A. § 9743 is amended to read:~~

8     § 9743. *ORGANIZATIONS NOT COVERED*

9             *Any sale, service, or admission to a place of entertainment charged by or to*  
10     *any of the following or any use by any of the following are not subject to the*  
11     *sales and use taxes imposed under this chapter:*

12                     \* \* \*

13             (4) *Sales of building materials and supplies to be used in the*  
14     *construction, reconstruction, alteration, remodeling, or repair of:*

15             (A) *any building, structure, or other public works owned by or held*  
16     *in trust for the benefit of any governmental body or agency mentioned in*  
17     *subdivisions (1) and (2) of this section and used exclusively for public*  
18     *purposes;*

19             (B) *any building or structure owned by or held in trust for the benefit*  
20     *of any organization described in subdivision (3) and used exclusively for the*  
21     *purposes upon which its exempt status is based; ~~and~~*



1 *made to the Environmental Division in accordance with chapter 220 of this*  
2 *title. For the purpose of this section, a decision of the Chair of a District*  
3 *Commission under section 6001e of this title on whether action has been taken*  
4 *to circumvent the requirements of this chapter shall be considered an act or*  
5 *decision of the District Commission.*

6 *(b) The Environmental Division shall act upon the petition of an appeal*  
7 *within 30 days after receiving the petition if the decision relates to a project*  
8 *covered under subdivision 6001(3)(A)(iv) of this title.*

9 *(c) The Environmental Division shall issue a final decision within 120 days*  
10 *after taking the action described in subsection (b) of this section if the decision*  
11 *relates to a project covered under subdivision 6001(3)(A)(iv) of this title.*

12 *(d) If the Environmental Division fails to meet the timelines in subsections*  
13 *(b) and (c) of this section, the Natural Resources Board shall refund the*  
14 *applicant any fees paid to the State under section 6083a of this title and the*  
15 *applicant shall not be liable for any additional fees under the same section,*  
16 *regardless of the final decision issued by the Environmental Decision on the*  
17 *appeal.*

18 \* \* \* Environmental Court \* \* \*

19 ~~Sec. 19. ENVIRONMENTAL DIVISION OF SUPERIOR COURT;~~

20 ~~POSITIONS; APPROPRIATION~~

1        (a) Establishment of the following limited service positions is authorized in  
2        the Environmental Division of the Superior Court in fiscal year 2023:

3                (1) one Environmental Division judge; and

4                (2) one law clerk.

5                (b) There is appropriated the sum of \$300,000.00 to the Environmental  
6        Division of the Superior Court in fiscal year 2023 from the American Rescue  
7        Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund for the positions  
8        established in subsection (a) of this section.

9                                \* \* \* Accessory Dwelling Units \* \* \*

10        **Sec. 20. 24 V.S.A. § 4414 amended to read:**

11        **§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS**

12                                \* \* \*

13                **(4) Parking and loading facilities. A municipality may adopt provisions**  
14        **setting forth standards for permitted and required facilities for off-street**  
15        **parking and loading which may vary by district and by uses within each**  
16        **district. These bylaws may also include provisions covering the location, size,**  
17        **design, access, landscaping, and screening of those facilities. In determining**  
18        **the number and size of parking spaces required under these regulations, the**  
19        **appropriate municipal panel may take into account the existence or availability**  
20        **of employer "transit pass" and rideshare programs, public transit routes, and**  
21        **public parking spaces in the vicinity of the development. However, a**

1 municipality shall not require an accessory dwelling unit to have more than  
2 one parking space per bedroom.

3 \* \* \*

4 **Sec. 20a. APPROPRIATION; CREATION OF ACCESSORY DWELLING**  
5 **UNIT NAVIGATION CENTER**

6 (a) There is appropriated the sum of \$5,700,000.00 from the General Fund  
7 to the Department of Housing and Community Development in fiscal year  
8 2023 to be used on the creation of the Accessory Dwelling Unit Navigation  
9 Center as described in subsection (b) of this section.

10 (b) The Department of Housing and Community Development shall  
11 establish the Accessory Dwelling Unit Navigation Center. The Center shall  
12 assist municipalities and homeowners in developing accessory dwelling units  
13 (ADUs) as follows:

14 (1) the hiring of a consultant to develop a statewide ADU guidebook  
15 which shall include a variety of designs with floorplans that can be used for  
16 ADUs;

17 (2) pilot program to hire local ADU ambassadors in towns to provide  
18 local assistance on development of ADUs;

19 (3) central statewide resource center to support pilot communities and  
20 any homeowner statewide interested in building an ADU that will provide  
21 materials and training on planning, design, and development of ADUs;



1 Housing Finance Agency to establish a Missing Middle Income Home  
2 Ownership Development Program to provide development subsidies for new  
3 construction or acquisition and substantial rehabilitation of owner-occupied  
4 homes.

5 (b) The Agency shall use funds to provide a direct project subsidy for up to  
6 35 percent of eligible development costs for income-eligible buyers. Funds  
7 invested to buy down the sales price of a home will remain permanently  
8 available to future buyers.

9 (c) “Affordable owner-occupied housing” means owner-occupied housing  
10 identified in 26 U.S.C. § 143 (c)(1) or that qualifies under Vermont  
11 Housing Finance Agency criteria governing owner-occupied housing.

12 (d) The Agency shall have the authority to provide funds to make grants or  
13 investments to eligible applicants for affordable owner-occupied housing. An  
14 eligible applicant may apply to the agency in adherence with program priorities  
15 set by the Agency. Selection criteria set forth in a program plan must include:

16 (1) Project location;

17 (2) Geographic distribution;

18 (3) Leveraging of other programs;

19 (4) Housing market needs;

20 (5) Project characteristics, including whether the project includes the use  
21 of existing housing as part of a community revitalization plan;

1           (6) Construction standards, including considerations for size;

2           (7) Priority will be given for plans with deeper affordability and longer  
3 duration of affordability  
4 requirements;

5           (8) Sponsor characteristics;

6           (9) Energy efficiency of the development; and

7           (10) Historic nature of the project.

8           (e) The Agency shall use the proceeds to provide long-term affordability on  
9 homes that receive investments from the program or use the proceeds of the  
10 program for investments or grants to eligible owner-occupied housing projects.

11           (f) The Agency may assign its rights under any investment or grant made  
12 under this section to the Vermont Housing and Conservation Board or any  
13 State agency or nonprofit organization qualifying under 26 U.S.C. § 501(c)(3),  
14 provided such assignee acknowledges and agrees to comply with the  
15 provisions of subdivision XXX of this section.

16           (g) Initial investments made under this program must be obligated by  
17 December 31, 2024, and expended by December 31, 2026, as defined by  
18 [ARPA State Local Fiscal Recovery Funds].

19           (f) The Department will report to the House Housing, General, and Military  
20 Affairs Committee and Senate Economic Development, Housing, and General

1 Affairs Committee on the status of the program every year by January 15th  
2 through 2026.

3 \* \* \* Affordable Housing Tax Credit; Manufactured Homes \* \* \*

4 [See new Sec. 6a]

5 Sec. 22. 32 V.S.A. § 5930u(g) is amended to read:

6 (g)(1) In any fiscal year, the allocating agency may award up to:

7 (A) \$400,000.00 in total first-year credit allocations to all applicants  
8 for rental housing projects, for an aggregate limit of \$2,000,000.00 over any  
9 given five-year period that credits are available under this subdivision (A);:

10 (B) \$425,000.00 ~~\$675,000.00~~ in total first-year credit allocations for  
11 loans or grants for owner-occupied unit financing or down-payment loans as  
12 provided in subdivision (b)(2) of this section consistent with the allocation  
13 plan, including for new construction and manufactured housing, for an  
14 aggregate limit of \$2,125,000.00 ~~\$3,375,000.00~~ over any given five-year  
15 period that credits are available under this subdivision (B). ~~Of the total first-~~  
16 year credit allocations made under this subdivision (B), \$250,000.00 shall be  
17 used each fiscal year for manufactured home purchase and replacement.

18 (B). 1,000,000 of the above ~~575,000.00~~ shall be used solely for

19 Manufactured Home Purchase and Replacement.

1           ~~Sec. XX. Appropriations. \$1,000,000 a year of additional foregone~~  
2           ~~revenue, for a minimum of five years, is appropriated to the Affordable~~  
3           ~~Housing Tax Credit established in 32 V.S.A.~~

4  
5           ~~(2) If the full amount of first year credits authorized by an award are not~~  
6           ~~allocated to a taxpayer, the Agency may reclaim the amount not allocated and~~  
7           ~~re-award such allocations to other applicants, and such re-awards shall not be~~  
8           ~~subject to the limits set forth in subdivision (1) of this subsection.~~

9                           \* \* \* Down Payment Assistance Program \* \* \*

10           **Sec. 23.** 32 V.S.A. § 5930u is amended to read:

11           § 5930u. TAX CREDIT FOR AFFORDABLE HOUSING

12                           \* \* \*

13           (h)(1) In fiscal year 2016 through fiscal year 2019, the allocating agency  
14           may award up to \$125,000.00 in total first-year credit allocations for loans  
15           through the Down Payment Assistance Program created in subdivision (b)(2)  
16           of this section.

17           (2) In fiscal year 2020 through fiscal year ~~2026~~ 2022, the allocating  
18           agency may award up to \$250,000.00 in total first-year credit allocations for  
19           loans through the Down Payment Assistance Program created in subdivision  
20           (b)(3) of this section.

