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Senate Committee on Natural Resources and Energy
State House
Montpelier, Vermont

Subject: S.234, changes to Act 250, amendment draft 2.1

Dear Committee:

Thank you for removing the exemption for mitigation from primary agricultural soils at state-owned airports.

Please listen to your counsel's advice and remove the section on one-acre towns. As she advised, the proposed amendment is not necessary and opens up the issue to future litigation. I am not a lawyer. I do read the legal columns and articles in my engineering magazines. I have read them many years now. Every change opens up the potential for more litigation. The section is not needed because of the supreme court's decision of February 11, 2022.

ARPA-funded housing projects.

I disagree with the concept. My reviews have shown that Act 250 does not add significant expense to housing and does not add significant time to a project. Even removing Act 250 entirely would not lower the cost of housing to any extent. That said, there are some portions I ask you to consider and amend.

Extending the duration of affordability of owner occupied housing. 6202 (1)(A) definition of owner occupied housing. The affordability provisions apply only to the first sale. Subsequent sales are not prohibited from being at market rate or higher. The committee is so concerned about keeping rents affordable. I ask the committee to consider extending the duration of affordability to owner-occupied housing.

Placing a minimum percentage of ARPA funds to be ARPA-funded. 6202(2) allows ARPA-funded housing to have only a few pennies of ARPA money. I suggest that you establish a minimum amount of ARPA funding. The amount is open to discussion. I suggest more than 50% must be ARPA-funded.

Requirements on Act 250 after the subchapter is repealed. After the subchapter is repealed, what requirements are placed on changes to ARPA-funded projects that do not have Act 250 permits?

Date of repeal. Leaving the Act 250 exemptions in place until after the 2024 obligation deadline seems inappropriate. When left in place, it allows funds to be obligated before all permits have been issued. That puts those issuing the permits or decisions or whatever in a difficult position. The difficulty arises because of the extreme pressure that will be exerted on them to issue a decision in favor of the project even if the decision should be against a project.

Conclusion

I hope that you find these recommendations worthwhile and that you will amend S.234 to implement them

Thank you for taking the time to read this letter.

Sincerely,
Thomas Weiss, P. E.